

5
billing each user for said changed amount of money of said content when said
content is subsequently distributed to each user after said changing of the amount of money.

REMARKS

Upon consideration of the above amendments and following remarks,
reconsideration and allowance of this application are respectfully requested.

At paragraphs 2-10, the Examiner has rejected claims 1-22, all of the claims
currently pending in the application, under 35 U.S.C. §102(e) as being anticipated by Rosenthal
(U.S. Patent No. 6,148,301). Applicants respectfully traverse the rejection.

Upon reviewing the portion of Rosenthal relied upon by the Examiner in the
rejection of claim 1, as well as the Examiner's response to Applicants arguments filed June 20,
2002 at paragraph 11 of the outstanding Final Office Action, it is clear that in Rosenthal the
information provided is billed based on the number of times subscribers requested each
document. However, independent claim 1, as well as the remainder of the independent claims as
amended now specifically recite that an amount billed to a user each time the information is
subsequently distributed to the user is determined depending on the number of times that the
information has been previously distributed to the user. Therefore, it is not the overall billing
charge that changes based on a fixed price per download in the claimed invention as in
Rosenthal. Rather the price of each subsequent download is modified based upon the number of
times the material has been previously downloaded. The price for the previous downloads does
not change, and indeed has already been billed. Thus, as is recited, for example in claim 1, the
amount of money billed to a user each time the information is subsequently distributed is
determined depending on the number of times that information is previously distributed. The

claims recite more than simply updating a total amount of money, but rather changing the amount charged per subsequent download based upon the total number of prior downloads.

Applicants submit that the portions of Rosenthal relied upon by the Examiner fail to depict these features in the claimed invention. The Examiner argues that "Rosenthal clearly teaches that the information provides is billed based on the number of time [sic] each document is request [sic.]. However, the teaching in Rosenthal changes the cost for all downloads based upon the total number of downloads. It does not change the total number of downloads. It does not change only the price of a subsequent download looked upon the number of prior downloads. Applicants therefore respectfully request that the rejection of independent claims 1, 14-16, 18, 20 and 22 under 35 U.S.C. §102(e) be withdrawn. Furthermore, Applicants submit that claims 2-13, 17, 19 and 21 depend, either directly or indirectly, from one of the allowable independent claims noted above, and therefore request that the rejection of these claims be withdrawn for this reason alone, and additionally as presenting independently patentable combinations in and of their own right. Applicants request that the rejection of these claims under 35 U.S.C. §102(e) similarly be withdrawn.

CONCLUSION

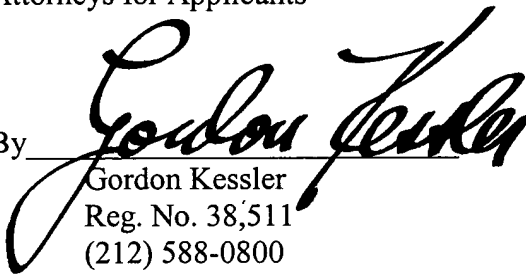
Applicants have made a diligent effort to place claims 1-22 in condition for allowance, and notice to this effect is earnestly solicited. If the Examiner is unable to enter this amendment or issue a Notice of Allowance regarding these claims, the Examiner is requested to contact the undersigned attorney in order to discuss any further outstanding issues.

Early and favorable consideration are respectfully requested.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicants

By



Gordon Kessler
Reg. No. 38,511
(212) 588-0800

ATTACHMENT

VERSION WITH MARKINGS SHOWING CHANGES MADE

IN THE CLAIMS:

Claims 1, 14-16, 18, 20 and 22 have been amended as follows.

1. (Twice Amended) An information distributing method for distributing information subjected to billing, characterized in that an amount of money billed to a user each subsequent time said information is distributed to said user is determined depending on the number of times that said information has previously been distributed to each user within a predetermined time period.

14. (Twice Amended) An information distributing method for distributing information subjected to billing, characterized in that an amount of money billed to a user each subsequent time said information is distributed to said user is determined in a composite manner depending on respective numbers of times that said information has previously been distributed to each user in a plurality of set terms.

15. (Twice Amended) An information distributing method for distributing information subjected to billing, characterized in that a receiver selects at least one term of a plurality of set terms and an amount of money billed to a user each subsequent time said information is distributed to said user is determined depending on the number of times that said information has previously been distributed to each user in said selected term.

16. (Twice Amended) An information distributing method for distributing information subjected to billing, comprising:

an information distributing means for distributing said information to a user; and

a transaction means comprised of a means for counting the number of times said information is previously distributed to each user and a means for controlling a billing system for billing for a next subsequent distribution depending on the number of previous distributions counted.

18. (Twice Amended) A transaction method to control a billing system for information to be distributed, comprising the steps of:

counting a number of previous distributions of said information to each user; and
controlling a billing information for billing for a next subsequent distribution depending on a counted number of previous distributions.

20. (Twice Amended) A transaction system to control a billing system for information to be distributed, comprising:

a means for counting a number of previous distributions of said information to each user; and

a means for controlling a billing information for billing for a next subsequent distribution depending on a counted number of previous distributions.

22. (Amended) A transaction method to control a billing system for information to be distributed, comprising the steps of:

counting the number of times that a content is previously distributed to each user during a predetermined time period, each user being billed at the time of distribution for an amount of money of said content;

changing said amount of money to be billed to each user for a next subsequent distribution of said content based on the result of counting of said previous distributions; and

billing each user for said changed amount of money of said content when said
content is subsequently distributed to each user after said changing of the amount of money.